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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,124	11/19/2003	Warren Newman	2015.000500	7293
23720 7590 09/03/2008 WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042				
EXAMINER				
HOLLY, JOHN H				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
09/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/717,124

Applicant(s)

NEWMAN, WARRREN

Examiner

JOHN H. HOLLY

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to an AMENDMENT entered 05/20/2008 for the patent application 10/717,124.

### **Status of Claims**

Claims 1 – 28 are pending in the Application.

Claims 1, 11, 14, 24, 27, and 28 have been Amended in the Application.

### **Response to Arguments**

Applicant's arguments with respect to claims 1 - 28 have been considered but are moot in view of the new ground(s) of rejection.

Applicant denies the rejection without distinctly and specifically pointing out the supposed errors in the examiner's action. It is not sufficient to point out the supposed errors in the reference. This fails to comply with 37 CFR 1.111(b).

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to nonstatutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876))

or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here claims 1-13 fail to meet the above requirements because the claims fail to tie in another statutory class of invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 6, 8-12, 14 - 25, and 27 - 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jay S. Walker et al. (Pat. # US 6,327,348 B1, – herein referred to as Walker) in view of David William Kravitz (Pat. # US 6,029,150 – herein referred to as Kravitz).

As per claim 1,

Walker disclosed a method for processing transactions, comprising:

initiating a transaction to access an account (Walker, col. 2, lines 34-49);

sending an authorization request to an authorization entity associated with the account (Walker, col. 2, lines 61-67);

sending itemization detail data associated with the transaction to the authorization entity (Walker, col. 5, lines 1-10); and

routing at least the itemization detail data to an owner of the account (Walker, col. 2, lines 25-33).

However, Walker does not expressly disclose a method for processing transactions, comprising: the itemization detail data indicating particular items associated with the transaction.

In a similar field of endeavor, Kravitz discloses the method for processing transactions, comprising:  
the itemization detail data indicating particular items associated with the transaction  
(Kravitz, col. 14, lines 21- 43); (Kravitz, col. 24, lines 31- 65).

In light of the teaching of Kravitz, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Walker wherein the itemization detail data indicating particular items associated with the transaction as recited in claim 1.

This modification would provide a method for uniquely identifying the transactions made by the customer at a particular merchant.

As per claim 2,  
Walker disclosed the method of claim 1, further comprising:  
generating a transaction detail report including the itemization detail data and transaction summary data (Walker, col. 2-3, lines 65-6); and sending the transaction detail report to the owner of the account (Walker, col. 3, lines 7-23).

As per claim 3,  
Walker disclosed the method of claim 1, wherein sending the itemization detail data further comprises sending the itemization detail data via at least one of a facsimile connection, a modem connection, a network connection, an email, and an Internet connection  
(Walker, col. 6, lines 1-5).

As per claim 4,  
Walker disclosed the method of claim 1, further comprising generating the transaction itemization detail data (Walker, col. 8, lines 31-40).

As per claim 5,

Walker disclosed the method of claim 4, wherein generating the transaction itemization detail further comprises generating an image of a receipt associated with the transaction (Walker, col. 8, lines 41-53); (Walker, col. 12, lines 7-26).

As per claim 6,

Walker disclosed the method of claim 4, wherein generating the transaction itemization detail further comprises generating a text file including data related to items purchased in the transaction (Walker, col. 6, lines 6-18).

As per claim 8,

Walker disclosed the method of claim 1, wherein a plurality of users are authorized to access the account, and the method further comprises:  
generating identification data associated with a selected one of the Users initiating the transaction (Walker, col. 7, lines 36-44); and  
sending the identification data to the owner of the account  
(Walker, col. 12, claim 1, lines 35-50).

As per claim 9,

Walker disclosed the method of claim 1, wherein sending the itemization detail data further comprises sending the itemization detail data responsive to the authorization entity approving the authorization request (Walker, col. 5, lines 53-59).

As per claim 10,

Walker disclosed the method of claim 1, wherein sending the itemization detail data further comprises sending the itemization detail data coincident with the authorization request  
(Walker, col. 5, lines 1-10).

As per claim 11,

Walker disclosed a method, comprising:  
processing a transaction for accessing an account at a first location (col. 4, lines 19-24);  
generating transaction detail data associated with the transaction  
(Walker, col. 5, lines 53-59);  
the itemization detail data indicating particular items associated with the transaction  
(Kravitz, col. 14, lines 21- 43); (Kravitz, col. 24, lines 31- 65); and  
communicating the transaction detail data to an owner of the account remote from the first  
location (Walker, col. 2, lines 24- 33).  
The rationale for support motivation and obviousness and reason to combine see claim 1 above.

As per claim 12,  
Walker disclosed the method of claim 12, wherein communicating the itemization detail data  
further comprises sending the itemization detail data via at least one of a facsimile  
connection, a modem connection, a network connection, an email, and an Internet  
connection (Walker, col. 6, lines 1-5).

As per claim 14,  
Claim 14 is a system claim corresponding to method claim 1. Therefore, claim 14 is analyzed  
and rejected as previously discussed with respect to claim 1.

As per claim 15,  
Claim 15 is a system claim corresponding to method claim 2. Therefore, claim 15 is analyzed  
and rejected as previously discussed with respect to claim 2.

As per claim 16,  
Claim 16 is a system claim corresponding to method claim 3. Therefore, claim 16 is analyzed  
and rejected as previously discussed with respect to claim 3.

As per claim 17,

Claim 17 is a system claim corresponding to method claim 4. Therefore, claim 17 is analyzed and rejected as previously discussed with respect to claim 4.

As per claim 18,

Claim 18 is a system claim corresponding to method claim 5. Therefore, claim 18 is analyzed and rejected as previously discussed with respect to claim 5.

As per claim 19,

Claim 19 is a system claim corresponding to method claim 6. Therefore, claim 19 is analyzed and rejected as previously discussed with respect to claim 6.

As per claim 20,

Claim 20 is a system claim corresponding to method claim 7. Therefore, claim 20 is analyzed and rejected as previously discussed with respect to claim 7.

As per claim 21,

Claim 21 is a system claim corresponding to method claim 8. Therefore, claim 21 is analyzed and rejected as previously discussed with respect to claim 8.

As per claim 22,

Claim 22 is a system claim corresponding to method claim 9. Therefore, claim 22 is analyzed and rejected as previously discussed with respect to claim 9.

As per claim 23,

Claim 23 is a system claim corresponding to method claim 10. Therefore, claim 23 is analyzed and rejected as previously discussed with respect to claim 10.

As per claim 24,

Claim 24 is a system claim corresponding to method claim 11. Therefore, claim 24 is analyzed and rejected as previously discussed with respect to claim 11.

As per claim 25,

Claim 25 is a system claim corresponding to method claim 12. Therefore, claim 25 is analyzed and rejected as previously discussed with respect to claim 12.

As per claim 27,

Claim 27 is a system claim corresponding to method claim 1. Therefore, claim 27 is analyzed and rejected as previously discussed with respect to claim 1.

As per claim 28,

Claim 28 is a system claim corresponding to method claim 11. Therefore, claim 28 is analyzed and rejected as previously discussed with respect to claim 11.

Claims 7, 13 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jay S. Walker et al. (Pat. # US 6,327,348 B1, – herein referred to as Walker) in view of David William Kravitz (Pat. # US 6,029,150 – herein referred to as Kravitz), and in further view of Greg E. Blonder et al. (Pat. # US 5,708,422 – herein referred to as Blonder).

As per claim 13,

Walker in view of Kravitz disclosed the method of claim 11, wherein generating the transaction itemization detail, further comprises generating at least one of an image of a receipt associated with the transaction, a text file including data related, to items purchased in the transaction (Walker, col. 8, lines 41-53); (Walker, col. 12, lines 7-26); (Walker, col. 6, lines 6-18).

However, Walker in view of Kravitz does not expressly disclose an image of a signature of an account user initiating the transaction.

In a similar field of endeavor, Blonder discloses an image of a signature of an account user initiating the transaction (Blonder; col. 11, lines 5-20).

In light of the teaching of Blonder, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Walker in view of Kravitz wherein an image of a signature of an account user initiating the transaction would be provided as recited in claim 13.

This modification would provide a method to reduce the risk of financial loss by fraud, along with greater security and accountability.

As per claim 7,

Claim 7 is a method claim corresponding to method claim 13. Therefore, claim 7 is analyzed and rejected as previously discussed with respect to claim 13.

As per claim 26,

Claim 26 is a system claim corresponding to method claim 13. Therefore, claim 26 is analyzed and rejected as previously discussed with respect to claim 13.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN H. HOLLY whose telephone number is (571)270-3461. The examiner can normally be reached on Mon. - Fri. 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. H./  
Examiner, Art Unit 3694

/Mary Cheung/

Primary Examiner, Art Unit 3694